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Research Guide: Utah Court Rules

§1 Introduction

Court rules govern court procedures and the conduct of the people who do business with the court. Rules establish uniform procedures for how documents must be formatted, how to serve documents, how to conduct discovery, how to make motions, how to appeal, time limitations for every step in the process, and many other topics. State and federal courts have separate rules, and there are different kinds of rules for different types of cases.

The Utah Court Rules explain the procedure in Utah state court cases:

- The Utah Rules of Civil Procedure govern civil cases, like contract disputes and personal injury claims.
- The Utah Rules of Criminal Procedure govern misdemeanor and felony cases.
- The Utah Rules of Small Claims Procedure govern small claims cases, which are a simplified kind of civil case for matters up to a certain dollar amount.
- The Utah Rules of Appellate Procedure govern cases in the Utah Court of Appeals or Utah Supreme Court.

The federal court system has its own rules:

- The Rules of Practice of the United States District Court for the District of Utah govern in Utah's federal district court. They include civil and criminal rules, and forms.
- The Local Rules of Bankruptcy Practice for the United States Bankruptcy Court for the District of Utah govern bankruptcy cases in Utah.
- Cases appealed to the Tenth Circuit Court of Appeals are governed by the Rules of the United States Court of Appeals for the Tenth Circuit.

§2 State Court Rules

The Utah Supreme Court is authorized by the Utah Constitution to adopt rules of procedure and evidence, and to manage the appellate process.¹ The legislature has the authority to amend the rules of procedure and evidence adopted by the supreme court by a two-thirds vote of both houses.²

¹ Constitution of Utah, Article VIII §4. For a discussion of the shift of this power from the legislative to judicial branch, see Kent R. Hart, *Court Rulemaking in Utah Following the 1985 Revision of the Utah Constitution*, 1992 Utah L. Rev. 153 (1992).

² Id.

§2.1 Compilations

Utah Court Rules Annotated, Charlottesville: LexisNexis.

One volume, published annually with semi-annual supplement. Contents include annotated State and Federal court rules. Appendices include Manual of Procedures for Judicial Nominating Commissions, Justice Court Standards for Recertification, Uniform Misdemeanor Fine/Bail Schedule, Utah Sentence and Release Guidelines, Utah State Court Records Retention Schedule, Child Support Worksheets, and Code of Professional Responsibility for Court Interpreters

Utah Code Unannotated, v.4. Charlottesville: LexisNexis.

Published annually. Contents include unannotated State and Federal Court Rules.

West's Utah Court Rules Annotated. Eagan: Thomson/West.

Two-volume set published annually with a semi-annual supplement. Contents include annotated State and Federal court rules.

§2.1.1 Historical Compilations

Historical compilations of annotated and unannotated court rules are available at Utah's law libraries.

- Published by Michie Co. 1985-1998; Lexis Law Publishing, 1999; Lexis Publishing, 2000-2001; LexisNexis, 2002-current.
- Published by Thomson/West 2004-current.

§2.2 Online

Court Website

The current state court rules are available at <http://www.utcourts.gov/resources/rules/>. Contents include unannotated state court rules. This website also provides access to:

- Redline text of proposed amendments published for comment
- Redline text of approved amendments
- History of Rule Amendments (October 2002 – current)
- Requests for comments and submitted comments

Lexis

Database: UTRULES

Current state and federal court rules, including appendices found in the print *Utah Court Rules Annotated*.

Westlaw

Database: UT-RULES

Current state and federal court rules, including appendices found in the print *Utah Court Rules Annotated*.

§2.3 Local Court Rules

Local court rules, called local supplemental rules, are published in Chapter 10 of the Judicial Council Rules of Judicial Administration.

§2.4 Historical Rules

§2.4.1 Historical Appellate Rules

The Utah Supreme Court was Utah's only appellate court until 1986, when the Utah Court of Appeals was created. From 1987-1989 there were separately-published Rules of the Utah Supreme Court and Rules of the Utah Court of Appeals. According to the foreword to those editions of the rules, the rules are identical in many respects.

§2.4.2 Territorial Appellate Rules

Rules of the Supreme Court of the Territory of Utah

Published in v.1, 3 and 5 of *Reports of cases determined the supreme court of the territory of Utah*.

§2.4.3 State Appellate Rules

Rules of practice in the Supreme Court of the State of Utah as amended and in force February 9, 1903 published in Clesson S. Kinney, *Kinney's index digest of the Reports of the Supreme Court of Utah, volumes 1 to 25, also containing the Utah cases reported in the Pacific Reporter up to and including volume 70, and all cases reported in the United States Supreme Court Reports appealed from the Utah court, with a table of statutes construed, and table of cases giving references to the Pacific Reporter, and the United States Supreme Court Reports, and containing annotations showing the history of each case* (1903).

Court rules published in Judson S. Rumsey, *A digest of the decisions of the Supreme court of Utah, reported in volumes 1 to 36 inclusive. Together with cross-references, affirmances and reversals by the United States Supreme court, parallel citations to the National reporter system and Morrison's mining reports, list of forms found in the opinions, table of cases and court rules* (1912).

Although the rules aren't captioned as Supreme Court rules, the subject matter is appeals.

The only date appearing in these rules is included at the end of Rule 26 (Assignments of Error), and states, "This rule shall go into effect and apply to all cases filed in this court on and after November 1, 1905." Since no other rule bears a date, it is difficult to determine if all rules are effective 1905, or if any had been amended before the publication of the digest in 1912.

Rules of practice in the Supreme Court of the State of Utah.

Published in v.32 Utah Reports.

"Rules of the Supreme Court of the State of Utah, Revised and Adopted at Salt Lake City, May 2, 1896, being of the January Term of that year, with Amendments therto to date, January, 1906."

Rules of practice in the Supreme Court of the State of Utah: (with amendments adopted at the October Term 1925). Salt Lake City: Grocer Printing Co.

Rules of practice of the Supreme Court of the State of Utah: effective September 1, 1935.

Published in 5 Utah Bar Bull. 57 (June-July 1935).

Rules of practice of the Supreme Court of the State of Utah: effective March 1, 1941.

Published in v.100 Utah Reports and 11 Utah Bar Bull. 9 (Jan.-Feb. 1941).

"These rules apply to all cases filed March 1, 1941, and thereafter."

Rules of practice of the Supreme Court of the State of Utah: effective March 1, 1941, with amendments adopted March 1, 1943. Published in 13 Utah Bar Bull. 16 (Jan.-Feb. 1943).

Rules of practice of the Supreme Court of Utah: effective March 1, 1941. Published in 17 Utah Bar Bull. 73 (May-June 1947).

Includes amendments through August 13, 1947.

Utah rules of appellate procedure: (with notes of the Supreme Court Advisory Committee). Allen Smith Company. 1984.

Effective January 1, 1985.

"These rules follow the general format of the Federal Rules of Appellate Procedure....

However, there are significant departures, both philosophical and practical, from the federal rules ... where it was determined that the adopted provisions better achieved the objectives of appellate practice or were more applicable to practice before the Supreme Court of Utah."

§2.4.4 Historical Civil Rules

Prior to 1950 the Rules of Civil Procedure were promulgated by the legislature and codified as the Code of Civil Procedure. In 1943³ the legislature recognized the Supreme Court's authority to enact civil court rules. The court, acting on that authority, published its first rules compilation in 1950.

Official Utah Rules of Civil Procedure including explanatory notes and references as promulgated by the Supreme Court of the State of Utah. Salt Lake City: Paragon Printing Co. 1950.

"Replacing Title 104, U.C.A. 1943, (Code of Civil Procedure) except to the extend [sic] indicated in Table III, Appendix of Tables."

§2.4.5 Historical Criminal Rules

Before 1980, Utah had no formal rules of criminal procedure. Some rule-like provisions can be found in statutory compilations. In 1980 the legislature promulgated rules of criminal procedure⁴ which, among other things, delegated the authority to make local criminal rules to the district and circuit courts.⁵

³ An Act recognizing the power of the Supreme Court of the State of Utah to prescribe, alter, and revise, by rules, for all courts of the State of Utah, the forms of process, writs, pleadings and motions and the practice and procedure in all civil actions and proceedings, including divorce, probate and guardianship proceedings, and providing for the promulgation of such rules and the effect thereof, to be known as section 20-2-4.10, Utah Code Annotated, 1943. Laws of Utah, ch. 33 (1943).

An earlier attempt to pass similar legislation can be found in *Referendum Issue*, 10 Utah Bar Bull. (Dec. 1940 Special Issue).

This was a referendum submitted to all bar members regarding the recommendation of the Judicial Council that the Supreme Court be vested with the power to prescribe rules for all Utah courts. It includes a copy of "An Act to authorize the Supreme Court of the State of Utah to prescribe by rules, for all courts created by the Constitution or statutes of the State of Utah, the forms of process, writs, pleadings and motions, and the practice and procedure in all civil actions and proceedings, including divorce, probate, and guardianship proceedings."

The Special Issue also includes a statement by the Judicial Council on behalf of the proposed legislation, and by Hadlond P. Thomas against it.

⁴ Laws of Utah, ch. 14 §1 (1980).

⁵ Laws of Utah, ch.14, §1, 77-35-31, Rule 31 (1980).

When the Judicial Article of the Utah Constitution was revised in 1985, constitutional power to promulgate court rules was given to the Utah Supreme Court. In 1989 the court exercised its new constitutional power and adopted the criminal rules that had previously appeared in Utah Code Ann. §§ 77-35-1 et seq.⁶

Rules of practice in the district court of the State of Utah: adopted September 15, 1975. Salt Lake City: Utah Judicial Council. 1975.

The Criminal Division rules specify that “these rules shall govern the practice and procedures in District Courts of the State of Utah in all matters not specifically covered by the Utah Code of Criminal Procedure or Rules of Criminal Procedure promulgated by the Supreme Court.”⁷

Rules of practice in the district courts and circuit courts of the State of Utah. Salt Lake City: Utah Judicial Council. 1983.

Effective July 1, 1983

Published in *Utah Court Rules Annotated*, 1985-1988.

§2.4.6 Historical Evidence Rules

Until the adoption of the 1971 Rules of Evidence, “Utah did not have a comprehensive evidence code and evidence issues generally were determined by reference to common law.”⁸ See Kimball & Boyce for an examination of the history of the rules of evidence, particularly the effect of the 1985 constitutional amendment.⁹

Preliminary draft of the rules of evidence (approved by the Committee: March 6, 1957).
Published in 27 Utah Bar Bull. (Jan.-Feb. 1957)

Rules of Evidence as Adopted by the Supreme Court of Utah, effective July 1, 1971.

Relied on a proposed Rules of Evidence published in 1959, as well as the Uniform Rules of Evidence drafted by the National Conference of Commissioners on Uniform State Laws and compared that to the Model Code of Evidence of the American Law Institute.

The Utah State Bar Commission established a special committee in October 1977 to determine if the Federal Rules of Evidence should be adopted in Utah.

§2.4.7 Historical Juvenile Rules

Rules of practice and procedure for juvenile courts of Utah. Published in 19 Utah Bar Bull. 223 (Oct.-Dec. 1949).

Juvenile court rules of procedure: 1970. Published by the Utah Bar Letter.
Effective January 9, 1970.

Utah State Juvenile Court Rules of Practice and Procedure, published in *Utah Juvenile Court: Guidelines for Practice and Procedure*. Salt Lake City: The Administrative Office of the Utah State Juvenile Court. 1976.

Effective July 1, 1974.

⁶ See Compiler’s Notes prefacing Utah Rules of Criminal Procedure (2006).

⁷ Rules of practice in the district court of the State of Utah: adopted September 15, 1975, Rule 3.1.

⁸ Edward L. Kimball & Ronald N. Boyce, *Utah evidence law, second edition* 1-1. Provo: Kimball & Boyce. 2004.

⁹ Edward L. Kimball & Ronald N. Boyce, *Utah evidence law, second edition* 1-1 to 1-7. Provo: Kimball & Boyce. 2004.

§2.4.8 Historical Bar-Related Rules

One of the early laws passed by the Utah territorial legislature was “An act for the regulation of attorneys.”¹⁰ Among other things, it prohibited attorneys from using “indecent and exciting language and behavior in courts,” and required attorneys to present all facts in the case – not just those favoring their client – in court.¹¹ In 1931, the Utah state legislature created a self-governing bar.¹²

Rules for Admission to the Bar of the State of Utah: adopted by the Board and approved by the Supreme Court of Utah, effective July 30, 1931. Published in 1(1) Utah Bar Bull. 4 (Oct. 1931).

Rules of Conduct and Discipline of the Utah State Bar. Published in 1(2) Utah Bar Bull. 20 (Nov. 1931).

“Note: These rules were approved by the Supreme Court on October 6, 1931, and will go into effect thirty days from date of approval.”

Revised rules of the Board of Commissioners of the Utah State Bar governing admission to practice law: adopted April 25, 1935; Approved by the Supreme Court of Utah July 13, 1935. Published in 6 Utah Bar Bull. 9 (Jan.-Feb. 1936) and 7 Utah Bar Bull. 69 (May 1937)

Revised rules of professional conduct of the Utah State Bar: adopted May 28, 1936 and approved by Supreme Court March 1, 1937. Published in 7 Utah Bar Bull. 75 (May 1937)

Revised rules of discipline of the Utah State Bar: adopted May 28, 1936 and approved by Supreme Court March 1, 1937. Published in 7 Utah Bar Bull. 88 (May 1937)

Revised rules of professional conduct of the Utah State Bar: adopted May 28, 1936 and approved by Supreme Court March 1, 1937 with amendments effective March 10, 1940. Published in 10 Utah Bar Bull. 10 (Jan.-Feb. 1940).

Revised rules of discipline of the Utah State Bar: adopted May 28, 1936 and approved by Supreme Court March 1, 1937, with amendments effective March 10, 1940. Published in 10 Utah Bar Bull. 23 (Jan.-Feb. 1940).

Revised rules of the Utah State Bar for admission to the Bar: adopted April 25, 1935, and approved by the Supreme Court of Utah July 13, 1935, with amendments effective March 10, 1940. Published in 10 Utah Bar Bull. 31 (Jan.-Feb. 1940).

Statutes creating and by-laws of the Utah State Bar. Salt Lake City: Utah State Bar. 1940.

Revised rules of the Utah State Bar governing professional conduct and discipline: adopted May 28, 1936 and approved by the Supreme Court March 1, 1937, with amendments effective March 19, 1940 and June 18, 1952. Published as 22 Utah Bar Bull. (Nov. 1952)

¹⁰ Laws of Utah, approved February 18, 1852 (1851)

¹¹ Laws of Utah, §3 and §5, approved February 18, 1852 (1851)

¹² Laws of Utah, ch. 48 (1931)

Deskbook. Salt Lake City: Utah State Bar. 1978.

Contents include:

- By-laws of the Utah State Bar
- Rules of Procedure for the Clients' Security Fund of the Utah State Bar
- Law Student Assistance Rule (approved by the Utah Supreme Court, September, 1977)
- Revised Rules of the Utah State Bar for Admission to the Bar (adopted April 25, 1935, and approved by the Supreme Court of Utah, July 13, 1935, with amendments effective January 1, 1961 and March 28, 1969).
- Review of Bar Examination and Appeal (Adopted by the Bar Commission, January 7, 1977; Approved by Supreme Court, January 26, 1977).
- Statutes Creating and Governing the Practice of Law
- Revised Rules of Professional Conduct of the Utah State Bar (Adopted May 28, 1936, and approved by the Supreme Court of the State of Utah March 1, 1937).
- Code of Judicial Conduct (Approved by the Supreme Court of Utah, March 1, 1974).
- Revised Rules of Discipline of the Utah State Bar (As approved by the Utah Supreme Court, September 2, 1970, with amendments approved January 18, 1971, February 9, 1977, April 28, 1977 and December 5, 1977.)

Revised rules of the Utah State Bar for admission to bar: as amended by the Supreme Court by order of June 15, 1987 to be effective January 1, 1988. Salt Lake City: Utah State Bar. 1987.

Rules governing admission to the Utah State Bar: adopted by the Board of Commissioners of the Utah State Bar and approved by the Supreme Court of Utah on June 15, 1990. Salt Lake City: Utah State Bar. 1990.

In 1985, the judicial article of the Utah Constitution was substantially revised. Among other things, the revised judicial article gave the supreme court constitutional rulemaking authority, including governance of the practice of law.¹³ Previously this authority was delegated to the court by the legislature.¹⁴ Despite the change in the constitution, the statutes governing the practice of law¹⁵ remained on the books until they were repealed in 2001.¹⁶

§2.5 Obsolete Rules

§2.5.1 District and Circuit Court Rules

Alan Brown, *Rules of court, court calendars, district courts*, published in 3 Utah Bar Bull. 40 (March-April 1933).

“EDITOR’S NOTE—At the suggestion of some members of the Bar, the Bulletin has attempted publication of the Court Calendars and a compilation of the rules of the various district courts of the State for the purpose of aiding the attorneys located in one district who have business in other districts.”

Rules of practice in the district courts of the State of Utah: Adopted September 15, 1975. Salt Lake City: Utah Judicial Council. 1975.

¹³ Utah Constitution, Art. VIII §4.

¹⁴ Utah Code Ann. §78-2-4 (1983).

¹⁵ Utah Code Ann. §78-51-1 to §78-51-40 (1990)

¹⁶ Laws of Utah, ch.4 (2001)

Contents include court organization, civil division, criminal division, probate division, trial calendar, pre-trial calendar, appeals, administrative orders and miscellaneous rules.

Rules of practice in the district courts and circuit courts of the State of Utah. 1978.

Rules of practice in the district courts and circuit courts of the State of Utah. Salt Lake City: Utah Judicial Council. 1983.

Effective July 1, 1983

Published in *Utah Court Rules Annotated*, 1985-1988.

§2.5.2 Third Judicial District Rules

Rules of practice in the district courts of the Third Judicial District of the State of Utah. Published in 6 Utah Bar Bull. 115 (Aug.-Sept. 1936).

Amendment to Rules III, V and VI of the rules of practice in the district courts of the Third Judicial District of the State of Utah. Published in 7 Utah Bar Bull. 23 (Feb.-March 1937).

Amendment to Rule II of the rules of practice in the district court of the Third Judicial District of the State of Utah: effective January 28, 1939. Published in 9 Utah Bar Bull. 9 (Jan.-Feb. 1939).

Rules of practice in the district courts of the Third Judicial District of the State of Utah: effective June 1, 1942. Published in 12 Utah Bar Bull. 34 (March-April 1942).

§2.5.3 Salt Lake City Rules

Rules of practice in the city courts of Salt Lake City, Utah. Published in 10 Utah Bar Bull. 119 (July-Aug. 1940).

With foreword by Wilford M. Burton, Presiding Judge, City Court of Salt Lake City.

§2.6 Other Rules-Related Publications

David A. Thomas, *Utah civil procedure*, Provo: Community Press. 1980.

Four volume set which includes a side-by-side comparison of the Federal and Utah rules of civil procedure, "all the rules of practice in those state and federal courts where Utah lawyers commonly practice" including administrative agency rules.

§3 Federal Rules

§3.1 Rules of Practice of the United States District Court for the District of Utah

Also known as Local Rules.

Published in

Utah Court Rules Annotated, Charlottesville: LexisNexis.

One volume, published annually with semi-annual supplement. Contents include annotated State and Federal court rules.

Utah Code Unannotated, v.4. Charlottesville: LexisNexis.

Published annually. Contents include unannotated State and Federal Court Rules.

West's Utah Court Rules Annotated. Eagan: Thomson/West.

Two-volume set published annually with a semi-annual supplement. Contents include annotated State and Federal court rules

Available online: <http://www.utd.uscourts.gov/documents/lkrulepage.html>

§3.2 Rules of Practice of the United States Bankruptcy Court for the District of Utah

Also known as the Local Rules of Practice of the United States Bankruptcy Court for the District of Utah

Utah Court Rules Annotated, Charlottesville: LexisNexis.

One volume, published annually with semi-annual supplement. Contents include annotated State and Federal court rules.

Utah Code Unannotated, v.4. Charlottesville: LexisNexis.

Published annually. Contents include unannotated State and Federal Court Rules.

West's Utah Court Rules Annotated. Eagan: Thomson/West.

Two-volume set published annually with a semi-annual supplement. Contents include annotated State and Federal court rules

Available online: <http://www.utb.uscourts.gov/localrulegroup/lrstart.htm>

§3.3 Rules of the United States Bankruptcy Appellate Panel of the Tenth Circuit

Available online: <http://www.bap10.uscourts.gov/rules.php>

§3.4 Rules of the United States Court of Appeals for the Tenth Circuit

Also called Tenth Circuit Rules.

Utah Court Rules Annotated, Charlottesville: LexisNexis.

One volume, published annually with semi-annual supplement. Contents include annotated State and Federal court rules.

Utah Code Unannotated, v.4. Charlottesville: LexisNexis.

Published annually. Contents include unannotated State and Federal Court Rules.

West's Utah Court Rules Annotated. Eagan: Thomson/West.

Two-volume set published annually with a semi-annual supplement. Contents include annotated State and Federal court rules

Available online: <http://www.ck10.uscourts.gov/clerk/rulesandforms.php>

§4 Secondary Sources

Edward L. Kimball & Ronald N. Boyce, *Utah evidence law, second edition* 1-1. Provo: Kimball & Boyce, 2004.

R. Collin Mangrum & Dee Benson, *Mangrum & Benson on Utah Evidence*, St. Paul: Thomson/West, 2004- .

Alan L. Sullivan, *A Lawyer's Guide to Utah's New Civil Discovery Rules*. Salt Lake City: Insight Pub. 2000.

David A. Thomas, *Utah Civil Practice*, Newark: LexisNexis, 2006.